

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 KERRY ALLEN, ) CASE NO. C09-0424-TSZ  
09 Plaintiff, )  
10 v. ) REPORT AND RECOMMENDATION  
11 RICHARD PENNINGTON, )  
12 Defendant. )  
\_\_\_\_\_ )

14 On March 31, 2009, plaintiff submitted to the Court for filing a civil rights complaint  
15 under 42 U.S.C. § 1983 together with an application to proceed with this action *in forma*  
16 *pauperis*. On April 6, 2009, the Clerk of Court sent plaintiff a letter advising him that his  
17 submissions were deficient in a number of respects and that his case would be subject to  
18 dismissal if the deficiencies were not corrected within thirty days. Among the deficiencies  
19 noted was that plaintiff's complaint was incomplete as it was missing page two. The Clerk  
20 provided plaintiff with a new complaint form and instructed that it be filled out and returned  
21 along with other requested documents.

22 On May 4, 2009, the Court received a number of additional documents from plaintiff,

01 including another complaint. Again, however, the complaint submitted by plaintiff was  
02 incomplete. Thus, on May 15, 2009, this Court issued an order directing plaintiff to submit an  
03 amended complaint to the Court, using the Court's authorized forms, within thirty days. On  
04 May 21, 2009, the copy of the order directing plaintiff to complete the authorized complaint  
05 form, which was mailed to plaintiff at his address of record, the King County Correctional  
06 Facility, was returned by the post office with a notation indicating that plaintiff was no longer in  
07 jail. To date, plaintiff has not provided the court with a new address.

08 Because over sixty days have passed since mail directed to plaintiff at his address of  
09 record was returned by the post office, and because plaintiff has not notified the court of his  
10 current address, this action should be DISMISSED, without prejudice, for failure to prosecute  
11 pursuant to Local Rule CR 41(b)(2). A proposed order accompanies this Report and  
12 Recommendation.

13 DATED this 13th day of August, 2009.

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16 Mary Alice Theiler  
17 United States Magistrate Judge  
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